

REMARKS

The last Office Action has been carefully considered.

It is noted that claims 1-3, 12 are rejected under 35 U.S.C. 103 over the patent to Dydyk and Ort.

Claims 4, 5, 11 are rejected under 35 U.S.C. 103(a) over the patent to Dydyk, Ort and further in view of the patent to Driscoll.

Claims 6-10 were not rejected over the art.

Also, the drawings were objected to and the claims were objected as well.

The Examiner's indication of the allowability of claims 6-10 has been gratefully acknowledged.

In connection with this indication claim 6 has been amended by incorporating into it the features of claim 1 so as to make it independent. Therefore, the thusly amended claim 6 together with claims 7-10 and 13

which depend directly or indirectly on it should be considered as being in allowable condition.

After carefully considering the Examiner's grounds for formal objections and rejections, applicants have amended the claims in correspondence with the Examiner's requirements and submitted a copy of the drawings enabling the corresponding steps of the inventive method. It is believed that the grounds for the formal objections and rejections are therefore eliminated.

After carefully considering the Examiner's grounds for the rejection of the claims over the art, applicant has canceled claim 4 and amended claim 1 by introducing into it the features of this claim.

It is respectfully submitted that claim 1 as amended clearly and patentably distinguish the present invention from the prior art applied by the Examiner.

Turning now to the references and in particular to the patent to Dydyk, it can be seen that this reference does not disclose determining for each reference fingerprint in comparison with the obtained fingerprint image

a similarity degree. Instead, the patent to Dydyk discloses that a comparator 28 compares the pattern of the fingerprint with representative pattern, each of which represents a particular fingerprint classification category, as disclosed in this reference in column 6, lines 11-17 and in column 9, lines 51-62.

The patent to Dydyk also does not disclose determining of the corresponding similarity degree by a comparison of properties of a corresponding area around the reference point of the fingermark with each property of the corresponding area of the fingermark. Instead, in the patent to Dydyk the comparison takes place in the frequency domain (after the transformation), instead of the spatial domain as defined in claim 1.

Also, the prior art references do not suggest to use the reference points in an algorithm to sort the reference fingermarks in the databank. Instead, the patent to Driscoll uses these reference points in an algorithm to identify a fingermark, itself.

It is therefore believed that the new features of the present invention as defined in claim 1 are not disclosed in the references.

As for the Examiner's rejection of the claims as obvious over the references, it is respectfully submitted that the references do not teach the new features of the present invention and in order to arrive at the present invention from the teachings of the references, the references have to be fundamentally modified by including into them the features which were first proposed by the applicants. However, it is known that in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such a modification.

The other references also do not teach the new features of the present invention as defined in claim 1.

This principle has also been consistently upheld by the U.S. Court of Customs and Patent Appeals which, for example, held in its decision in re Randol and Redford (165 USPQ 586) that

Prior patents are references only for what they clearly disclose or suggest; it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

Definitely, the references do not contain any hint or suggestion for such significant modifications.

In view of the above presented remarks and amendments, it is believed that claim 1 should be considered as patentably distinguishing over the art and should be allowed.

As for the dependent claims, these claims depend on claim 1, they share its presumably allowable features, and therefore it is respectfully submitted that they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



Michael J. Striker
Attorney for Applicants
Reg. No. 27233